

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CASE NO.:

PANORAMIC STOCK IMAGES,
LTD. dba PANORAMIC IMAGES,

Plaintiff,

v.

CAPTURA ENTERPRISES, LLC dba
SCANABLE,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff PANORAMIC STOCK IMAGES, LTD. by and through its undersigned counsel, brings this Complaint against Defendant CAPTURA ENTERPRISES, LLC dba SCANABLE for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff PANORAMIC STOCK IMAGES, LTD. dba PANORAMIC IMAGES (“PSI”) brings this action for violations of exclusive rights under the

Copyright Act, 17 U.S.C. § 106, to copy and distribute PSI's original copyrighted Work of authorship.

2. PSI has specialized in wide and large-format panoramic photography for over 25 years. Their global roster of acclaimed photographers captures the world in awe-inspiring size to create a collection of international images: city skylines, landscapes, travel, lifestyles, cultural heritage, world destinations and aerals.

3. Defendant CAPTURA ENTERPRISES, LLC dba SCANABLE ("Scanable") is a complete 3D imaging and virtual production capture solutions studio focusing on providing high-end visual effects support services. At all times relevant herein, Scanable owned and operated the internet website located at the URL <https://scanable.com> (the "Website").

4. Scanable copied PSI's copyrighted Work from the internet in order to advertise, market and promote its business activities. Scanable committed the violations alleged for purposes of advertising and promoting sales to the public in the course and scope of the Defendant's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Georgia.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

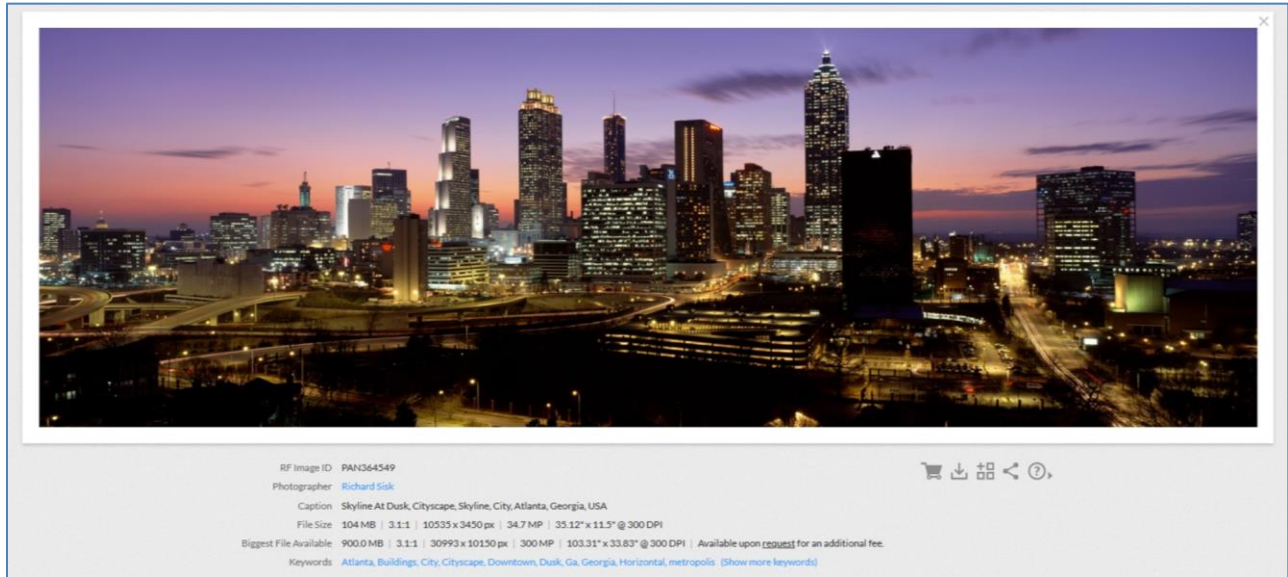
9. This Court has personal jurisdiction over Defendant pursuant to Georgia statutes because Scanable resides in this district, and the conduct alleged against Scanable occurred in this district.

DEFENDANT

10. Captura Enterprises, LLC is a Limited Liability Company formed and existing under the laws of the State of Texas, with a principal places of business at 22135 Tomball Cemetery Road, Tomball, Texas, 77377. Scanable is registered to do business in Georgia, has an office at Trilith Studios Media Park, 500 Sandy Creek Road, WH2008 Suite 101, Fayetteville, GA 30214, and can be served by serving its Registered Agent, Georgia Registered Agent LLC, 300 Colonial Center Parkway, Suite 100N, Roswell, GA, 30076.

THE COPYRIGHTED WORK AT ISSUE

11. In 1998, Richard Sisk created the photograph identified as “PAN364549,” which is shown below and referred to herein as the “Work”:



12. In June 2012, Richard Sisk assigned his rights to the Work through written agreement to PSI.

13. PSI registered the Work with the Register of Copyrights on January 23, 2018, and was assigned the registration number VA 2-085-943. The Certificate of Registration is attached hereto as Exhibit 1.

14. When PSI published the Work on its website <https://www.panoramicimages.com>, it applied copyright management information consisting of a notice of the author of the Work published adjacent to the Work,

and an Image ID number conveyed in connection with the Work, as shown in part here:

RF Image ID	PAN364549
Photographer	Richard Sisk
Caption	Skyline At Dusk, Cityscape, Skyline, City, Atlanta, Georgia, USA
File Size	104 MB 3.1:1 10535 x 3450 px 34.7 MP 35.12" x 11.5" @ 300 DPI
Biggest File Available	900.0 MB 3.1:1 30993 x 10150 px 300 MP 103.31" x 33.83" @ 300 DPI Available upon request for an additional fee.
Keywords	Atlanta , Buildings , City , Cityscape , Downtown , Dusk , Ga , Georgia , Horizontal , metropolis (Show more keywords)

15. PSI's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting and other details is entirely original, distinctive, and unique. As such, the Work qualifies as subject matter protectable under the Copyright Act.

16. At all relevant times PSI was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

17. Scanable has never been licensed to use the Work at issue in this action for any purpose.

18. On a date after the Work at issue in this action was created, but prior to the filing of this action, Scanable copied the Work.

19. On or about July 1, 2022, PSI discovered the unauthorized use of its Work on the Website.

20. Scanable copied PSI's copyrighted Work without PSI's permission.

21. After Scanable copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its 3D imaging business.

22. Scanable displayed an unauthorized derivative work of the Work on its Website to market and advertise its services to the public.

23. Scanable committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

24. PSI notified Scanable of the allegations set forth herein on July 18, 2022, August 17, 2022, and September 1, 2022. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

25. PSI incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. PSI owns a valid copyright in the Work at issue in this case.

27. PSI registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

28. Scanable copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without PSI's authorization in violation of 17 U.S.C. § 501.

29. Scanable performed the acts alleged in the course and scope of its business activities.

30. Scanable's acts were willful.

31. PSI has been damaged.

32. The harm caused to PSI has been irreparable.

COUNT II
REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION

33. PSI incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.

34. The Works at issue in this contain copyright management information ("CMI").

35. Scanable knowingly and with the intent to enable, conceal, or facilitate copyright infringement, removed copyright management information from the Work at issue in this action in violation of 17 U.S.C. § 1202(b) by removing the attributions from next to the Work and failing to include any notice whatsoever on its display of the Work on the Website.

36. Scanable committed these acts knowing or having reasonable grounds to know that the removal of PSI's copyright management information would induce, enable, facilitate or conceal infringement of PSI's rights in the Work.

37. Scanable caused, directed and authorized others to commit these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of PSI's rights in the Work at issue in this action protected under the Copyright Act.

38. PSI has been damaged.

39. The harm caused to PSI has been irreparable.

WHEREFORE, the Plaintiff Panoramic Stock Images, Ltd prays for judgment against the Defendant Captura Enterprises, LLC dba Scanable that:

- a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501 and 1202;
- b. Defendant be required to pay Plaintiff its actual damages and Scanable's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §§ 504 and 1203;
- c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: May 18, 2023

Respectfully submitted,

/s/Evan A. Andersen

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1.C

Counsel for Panoramic Stock Images, Ltd. hereby certifies that this pleading was prepared in Times New Roman font, 14 point, in compliance with Local Rule 5.1.C.

DATED: May 18, 2023

Respectfully submitted,

/s/Evan A. Andersen

EVAN A. ANDERSEN